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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

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8 BENJAMIN W. ESPINOSA,

Case No. 3:16-cv-00573-MMD-VPC

9 Plaintiff,

ORDER

10 v.

11 TARA CARPENTER et al.,

12 Defendants.

13 Plaintiff, a *pro se* prisoner, previously filed an application to proceed *in forma*
14 *pauperis* and a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1, 1-1.) The
15 Court has not yet screened the complaint.

16 Plaintiff now files a motion for voluntary dismissal. (ECF No. 6.) Pursuant to
17 Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court
18 order by filing “a notice of dismissal before the opposing party serves either an answer or
19 a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Plaintiff’s
20 motion to voluntarily dismiss this action because no responsive pleading has been filed
21 in this case. As such, the Court dismisses this action without prejudice.

22 For the foregoing reasons, it is ordered that the motion for voluntary dismissal
23 (ECF No. 6) is granted.

24 It is further ordered that this action is dismissed in its entirety without prejudice.

25 It is further ordered that the Clerk of the Court enter judgment accordingly.

26 DATED THIS 21st day of June, 2017.



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28 MIRANDA M. DU
UNITED STATES DISTRICT JUDGE